



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-1999-6439, Notice No. 23]

Adjustment of Nationwide Significant Risk Threshold

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Adjustment of Nationwide Significant Risk Threshold

SUMMARY: In accordance with Appendix D to Title 49 Code of Federal Regulations (CFR) Part 222, Use of Locomotive Horns at Highway-Rail Grade Crossings, FRA is updating the Nationwide Significant Risk Threshold (NSRT). This action is needed to ensure that the public has the proper threshold of permissible risk for calculating quiet zones established in relationship to the NSRT. This is the fifth update to the NSRT, which has fallen from 14,007 to 13,722.

DATES: The effective date is [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Ries, Office of Railroad Safety, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 493-6299, or Ronald.Ries@dot.gov; or Kathryn Shelton, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 493-6038, or Kathryn.Shelton@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The NSRT is an average of the risk indexes for gated public crossings nationwide where train horns are routinely sounded. FRA developed this risk index to serve as one threshold of permissible risk for quiet zones established under this rule across the nation. Thus, a community that is trying to establish and/or maintain its quiet zone, pursuant to 49 CFR Part 222, can compare the Quiet Zone Risk Index calculated for its specific crossing corridor to the NSRT to determine whether sufficient measures have been taken to compensate for the excess risk that results from prohibiting routine sounding of the locomotive horn. (In the alternative, a community can establish its quiet zone in comparison to the Risk Index With Horns, which is a corridor-specific measure of risk to the motoring public when locomotive horns are routinely sounded at every public highway-rail grade crossing within the quiet zone.)

In 2006, when the final rule titled, "Use of Locomotive Horns at Highway-Rail Grade Crossings," was amended, the NSRT was 17,030 (71 FR 47614, August 17, 2006). In 2007, FRA recalculated the NSRT to be 19,047 (72 FR 14850, March 29, 2007). In 2008, FRA recalculated the NSRT to be 17,610 (73 FR 30661, May 28, 2008). In 2009, FRA recalculated the NSRT to be 18,775 (74 FR 45270, September 1, 2009). In 2010, FRA recalculated the NSRT to be 14,007 (75 FR 82136, December 29, 2010).

New NSRT

Using collision data from 2006 to 2010, FRA has recalculated the NSRT based on formulas identified in Appendix D to 49 CFR Part 222. In making this recalculation, FRA noted that the total number of gated, non-whistle-ban crossings was 42,150.

$$\text{Fatality Rate} = \frac{\text{Fatalities}}{\text{Fatal Incidents}} = \frac{318}{251} = 1.2669$$

$$\text{Injury Rate} = \frac{\text{Injuries in Injury-Only Incidents}}{\text{Injury-Only Incidents}} = \frac{1009}{661} = 1.5265$$

Applying the fatality rate and injury rate to the probable number of fatalities and casualties predicted to occur at each of the 42,150 identified crossings and the predicted cost of the associated injuries and fatalities, FRA calculates the NSRT to be 13,722.

Issued in Washington, DC, on December 29, 2011

Robert C. Lauby
Acting Associate Administrator for Railroad Safety/Chief Safety Officer

[FR Doc. 2011-33782 Filed 01/04/2012 at 8:45 am; Publication Date: 01/05/2012]